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ORDINANCE NO. 2024-003

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF NEW BERLIN, TEXAS AMENDING AND ESTABLISHING FEES FOR COMMERCIAL BUILDING PERMITS ISSUED BY THE CITY OF NEW BERLIN; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES RELATING TO THE SAME SUBJECT MATTER; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of New Berlin has previously established fees for the issuance of permits for the construction of commercial buildings within its city limits; and

WHEREAS, the City Council has determined that it is necessary and appropriate to amend the current fee schedule for commercial building permits to reflect the current administrative costs incurred by the city in order to inspect and review construction plans in connection with commercial construction projects; and

WHEREAS, the Schedule of Fees attached as Exhibit A reflects the revised permitting fees for commercial buildings which the City Council finds to be reasonably necessary in order for the city to recoup its administrative costs associated with issuing commercial building permits; and

WHEREAS, the City Council reserves the right hereafter to make further amendments to the fees established by this Ordinance as the Council deems necessary.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW BERLIN, TEXAS:

SECTION 1.

In this ordinance "Commercial" shall mean a building constructed, used or occupied by persons for a public purpose or economic gain or a residence if the building is a multifamily residence that is not defined as residential by the city's residential code, zoning ordinance or state law.

SECTION 2.

All persons, firms, or corporations applying for permits for the construction of a commercial building permit shall pay the fees as prescribed in the Fee Schedule attached hereto as Exhibit A and made a part hereof. It shall be a violation of this Ordinance to conduct any activity or commence any use or occupation in a commercial building for which payment of a fee described herein is required until such fee has been paid.

SECTION 3.

This Ordinance shall be cumulative of all provisions of Ordinances of the City of New Berlin, Texas except where the provisions of this Ordinance are in direct conflict with the provisions of such other Ordinances of the City in which event the conflicting provisions of such Ordinances are hereby repealed.

SECTION 4.

The City Council may, from time to time, by ordinance or resolution add to or amend the fees set forth on Exhibit A, from time to time as deemed appropriate and necessary by the City Council.

SECTION 5.

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

SECTION 6.

Subject to the last sentence of this Section, any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any of provisions of this Ordinance shall be fined not more than Five Hundred Dollars (\$500.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense. If any other Ordinance establishes a different penalty for the failure to pay any fee on Exhibit A, the provisions of such other Ordinance shall control with respect to such penalty.

SECTION 7.

All rights and remedies of the City are expressly saved as to any and all violations of the provisions of this Ordinance or any other ordinances in effect on the effective date of this Ordinance requiring the payment of fees for licenses, permits, and other services provided by the City which have accrued on the effective date of this Ordinance; and any and all accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 8.

New Construction of Commercial Buildings will be required to install a Fire Hydrant, if one is not located within 500 (five hundred) feet of the new construction.

PASSED by an affirmative vote of all members of the City Council (or Commission), this the 19th day of July, 20 24.



APPROVED:

A handwritten signature in black ink, appearing to read "Walter Williams Jr.", written over a horizontal line.

WALTER WILLIAMS JR, Mayor

ATTESTED BY:

A handwritten signature in black ink, appearing to read "Roxann Ruler", written over a horizontal line.

City Secretary

Exhibit A

Table B - Table 1-A (1997 Uniform Building Code)

BUILDING PERMIT FEE SCHEDULE

The following fees are referenced in the 1997 Uniform Building Code.

Section 107.2 Permit Fees

The fee for each permit shall be as set forth in Table 1-A.

Section 107.3 Plan Review Fees

When submittal documents are required by Section 106.3.2, a plan review fee shall be paid at the time of submitting the submittal documents for plan review. Said plan review fee shall be 65 percent of the building permit fee as shown in Table 1-A.

The plan review fees specified in this section are separate fees from the permit fees specified in Section 107.2 and are in addition to the permit fees.

Table 1-A - Building Permit Fees

Valuation	Fee
\$1.00 to \$500.00	\$23.50
\$501 to \$2,000.00	\$23.50 for the first \$500.00 plus \$3.05 for each additional \$100.00, or fraction thereof, to and including \$2,000
\$2,001.00 to \$25,000.00	\$69.25 for the first \$2,000.00 plus \$14.00 for each additional \$1,000.00, or fraction thereof, to and including \$25,000.00
\$25,001.00 to \$50,000.00	\$391.25 for the first \$25,000.00 plus \$10.10 for each additional \$1,000.00, or fraction thereof, to and including \$50,000.00
\$50,001.00 to \$100,000.00	\$843.75 for the first \$50,000.00 plus \$7.00 for each additional \$1,000.00, or fraction thereof, to and including \$100,000.00
\$100,001.00 to \$500,000.00	\$993.75 for the first \$100,000.00 plus \$5.80 for each additional \$1,000.00, or fraction thereof, to and including \$500,000.00
\$500,001.00 to \$1,000,000.00	\$3,233.75 for the first \$500,000.00 plus \$4.75 for each additional \$1,000.00, or fraction thereof, to and including \$1,000,000.00
\$1,000,001.00 and up	\$5,608.75 for the first \$1,000,000.00 plus \$3.15 for each additional \$1,000.00, or fraction thereof

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I certify this instrument was FILED and RECORDED
in the OFFICIAL PUBLIC RECORDS

of Guadalupe County, Texas on
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TERESA KIEL, COUNTY CLERK



Teresa Kiel